

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GARY R. RUP,

Defendant-Appellant.

UNPUBLISHED

February 25, 1997

No. 184290

Otsego Circuit

LC No. 94-001929-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to attempted assault with a dangerous weapon, MCL 750.82; MSA 28.277 and MCL 750.92; MSA 28.287, and disorderly person by obscene conduct, MCL 750.167; MSA 28.364. He was sentenced to two years' probation, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court did not err in denying defendant's motion to amend the order of probation. The objected-to condition of probation is lawful and does not deny defendant his constitutional rights. *People v Peters*, 191 Mich App 159, 164-165; 477 NW2d 479 (1991); *People v Roth*, 154 Mich App 257, 259; 397 NW2d 196 (1986); *People v Branson*, 138 Mich App 455; 360 NW2d 614 (1984).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

/s/ Walter P. Cynar